

AO 91 (Rev. 08/09) Criminal Complaint

FILED**SEALED****UNITED STATES DISTRICT COURT**

for the

Western District of Texas

SEP 10 2015

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY ACK DEPUTY

United States of America)

v.)

GABRIEL ROBERT CAGGIANO)

Case No. SA: 15-MJ-0762)

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 15, 2015 in the county of Bexar in the
Western District of Texas, the defendant(s) violated:*Code Section*
18 U.S.C. 2261A(2)(B)*Offense Description*
Stalking.

PENALTIES: Up to 5 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 mandatory special assessment.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

FBI S/A JAMES THOMPSON

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/10/2015City and state: San Antonio, Texas*Judge's signature*

JOHN W. PRIMOMO, US MAGISTRATE JUDGE

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, James Thompson, the Affiant herein, first being duly sworn, do state as follows:

1. Your Affiant is employed as a Special Agent with the Federal Bureau of Investigation (FBI) in San Antonio, Texas. Your Affiant has been a Special Agent with the FBI since November, 2003. Your Affiant's experiences as a Special Agent include, but are not limited to, conducting investigations, executing arrest warrants, executing search warrants, collection of evidence, interviewing of witnesses, use of force, firearms and other law enforcement related topics. Your Affiant is currently assigned to the FBI Cyber Crimes Unit, where he conducts investigations relating to violations of the laws of the United States as they relate to computer-related crimes.

2. The factual information supplied in this affidavit is based upon your Affiant's own investigation as well as information provided by other law enforcement officers. Since this affidavit is submitted for the purpose of securing an arrest warrant, it does not include every fact known to me concerning this investigation. I have set forth facts that I believe establish probable cause to believe that **GABRIEL ROBERT CAGGIANO**, has violated the provisions of Title 18, United States Code, Section 2261A(2)(B).

3. On July 21, 2015, your Affiant interviewed Hollis Grizzard at the offices of the FBI in San Antonio. During this interview, Grizzard stated that an individual named Gabe Caggiano has been harassing and threatening both Grizzard and his wife Marise McDermott. McDermott is President and CEO of the Witte museum in San Antonio. In approximately 2008, Caggiano was an employee at a television station in Corpus Christi and worked directly for Hollis Grizzard. Caggiano was ultimately terminated from his employment at the station. Since his termination and continuing to the present time, Caggiano has repeatedly harassed Grizzard and McDermott through phone calls, voicemails, text messages, and social media to retaliate against Grizzard. Grizzard provided your Affiant with two disk containing numerous voicemails left by Gabe Caggiano to both Hollis Grizzard and Marise McDermott.

4. Affiant reviewed the recordings provided by Grizzard. Affiant noted that almost all the voicemails provided by Grizzard begin with Caggiano identifying himself as "Gabe Caggiano." Affiant notes that Caggiano both threatens physical violence against Grizzard and McDermott and also threatens to damage and destroy the reputation of Marise McDermott. Specifically, Caggiano threatens to send letters to the management and Board of Trustees of the Witte Museum. Caggiano's voicemails make clear that he intends to embarrass and humiliate McDermott.

5. Excerpted here are some of the recorded threats Caggiano has made against McDermott and Grizzard. On March 15, 2015, Caggiano left a voicemail for Grizzard in which he said, "Do you really think this ends peacefully with me fading away? It doesn't. You want me to go see Marise at the Witte? You think about it. You think about it. You think about it. You think about it." Later in the same message, Caggiano says, "It's ok, you will die with a look of surprise in your eyes because you're a psychopath with a God complex."

6. On May 19, 2015 Caggiano again left a voicemail for Grizzard stating, "I'm just gonna keep calling you Hollis. I'm going to keep calling you until I come to see you." In a message left sometime before June 15, 2015, Caggiano left a voicemail on Marise's phone, stating, "If you and your husband and me all go down to hell together that's fine with me because I am never ever letting this go until I get my money. Comprene?" Later in the same message Caggiano states, "Have a nice day. I'll be in touch. I don't think you understand what I'm talking about here." In a separate message left sometime between June 15 and June 22 of 2015, Caggiano states, "And if you think that I won't send a couple of guys in time to come and say hello to you at the Witte or to your home to collect that kind of money then you are seriously underestimating me lady."

7. In a voicemail left on June 28, 2015, Caggiano states, "I'm gonna fuck up your chickenfaced psychopath husband real good mami." In a voicemail left on July 4, 2015, Caggiano states, "And you think I'm going to do nothing Marise? Jesus you got no fuckin' idea. I'm going to come to your fucking house if lawyers don't settle this, honey." In a voicemail also left on July 4, 2015, Caggiano states, "You get it? This doesn't end. Marise. EVER. Until I'm made whole. Don't think I won't come to your house either." On July 7, 2015, Caggiano left a voicemail which states, "I lost a family. I lost all my money and five years of my career because

of your husband. And you're worried about harassing phone calls. I find that ironic. I find it ironic. You got no idea where this goes. And everything that happens to that man it's karma and it's coming."

8. In approximately July of 2015, Caggiano began primarily leaving voicemail messages for McDermott in which he threatens to send a letter to various officers at the Witte museum in an attempt to damage or embarrass McDermott. On July 7, 2015, Caggiano left such a message, stating, "I am sending a detailed letter about this rancid human being. It's gonna go to everybody at the museum. The chairman of the board of directors. All the board members." Similarly, on July 23, 2015, Caggiano left a voicemail for McDermott which states, "...they're all gonna know what kind of man..huhh you wipe his semen off your chin to be with. I'm gonna put all in graphic detail in the letter they're gonna laugh at you and they should. You said you went to talk to lawyers and it's just more difficult me being not in Texas. So you just sit..sit tight and someday you're going to walk in the Witte, you're gonna know that something's amiss and everybody's gotten these letters, all of the trustees, all of the officers and probably some of the benefactors. Good luck with that." In a similar message left on July 23, 2015, Caggiano states, "This is payback. And if hurting you and your career or your image is the way to get to him, I am perfectly fine with that. You haughty, insipid, mommy cunted, enabler of this psychopath with a God complex."

9. In a voicemail left on July 23, 2015, Caggiano explicitly states his intention of inflicting pain on Ms. McDermott, stating, "I'm taking my time in writing meticulously because I want to inflict the most pain and embarrassment and humiliation to you as humanly possible. I want you in agony. I want you so embarrassed you give serious consideration to resigning because you just will not be able to look people in the eye about the shit stain you suck off. You know, I want you hurt, lady."

10. In a voicemail left for McDermott on Sunday August 2, 2015, Caggiano states: "Marise, Good Morning, Gabe Caggiano. Welcome to your Monday. Marise I just want you to come [UI] up with whatever, whatever pain I put you through to this point, it's only going to get infinitely worse. I'm sending a letter to the Witte board right after Labor day, a second before Thanksgiving, and a third before Christmas if it gets that far. You're probably going to end up on a psych ward. But the minute you come off that psych ward, the phone calls will resume again.

Unless of course the Witte finally says look whatever your problems, we just can't have them here anymore. And you're probably going to end up selling coffee mugs at a tourist shop across from the Alamo. And what have I ever asked you to do? Have Hollis call me. That's the way he wants it, that's the way he gets it. I'll be in touch."

11. In another voicemail left for McDermott on August 2, 2015, Caggiano stated: "Hi Marise, it's Gabe, a follow-up thought. I wouldn't be surprised if you don't even make it to Labor Day. I wouldn't be surprised if somebody walked by your office and peeked in. To discover you sitting in a corner, in a puddle of your own urine. Too paralyzed to get up. And that would suit me just fine."


12. In another voicemail left for McDermott on Sunday August 2, 2015, Caggiano stated "Hi Marise, Gabe Caggiano again, how are you? And if you haven't figured it out this is the way it goes for the rest of your life, every day in perpetuity. This is the state of mind, you better embrace. Looking forward, every FUCKING second, only it gets worse. Why? Because the shit stain doesn't even have the decency and respect to call me. He can't even call me. He's not a man, Marise. He's a psychopath with a nasty mouth. He won't even protect his wife. It's going to get so much more painful, you have no idea. The ninth circle of hell you're heading into. You wanna blame me? We are both victims of Hollis Grizzard. His tampon string just ran out...enjoy the rest of your day."

13. On August 10, 2015, Caggiano sent a card directly to McDermott at the Witte Museum. In the card, Caggiano references the letter he is going to send to members of the Witte Board of Trustees.

14. Caggiano has also posted a message on the public Witte Facebook page stating: "The museum president is an enabler and apologist to her psychopath husband, Hollis Grizzard. She is the cover girl...the Dottie Sandusky of San Antonio. Disgusting couple."

15. Based on the aforementioned facts, your affiant respectfully submits that there is probable cause to believe that **GABRIEL ROBERT CAGGIANO** with the intent to harass or intimidate, did use the mail, any active computer service, or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that causes, attempts to cause, or would be

reasonable expected to cause substantial emotional distress to a person in violation of Title 18, United States Code, Section 2261A(2)(B).



James Thompson, Special Agent
U.S. Federal Bureau of Investigation

Sworn to and subscribed before me this 10th day of September, 2015.



JOHN W. PRIMOMO
UNITED STATES MAGISTRATE JUDGE